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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,363	12/06/2005	Olexander Ashotovich Amatuni	108396-00018	2306

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EXAMINER

MEHTA, BHISMA

ART UNIT	PAPER NUMBER
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3767

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/521,363

Applicant(s)AMATUNI, OLEXANDER
ASHOTOVICH**Examiner**

Bhisma Mehta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/14/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/14/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. Part of the information disclosure statement filed January 14 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. A copy of the document, EP 1 092 442 A, has not been provided.

Drawings

2. The drawings are objected to because the reference characters associated with the circles in Figure 2 are unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

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"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because it is too long. Correction is required. See MPEP § 608.01(b).
4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification fails to disclose a barrel shaped actuator, additional means of protection from re-use, and an external diameter of a clamp being arranged to be fit and fully inserted in a cylindrical turnery. The specification also fails to disclose a partition with a rectangular cross-section having substantially straight sides and a protective sheath being made of transparent material.
5. The disclosure is objected to because of the following informalities:
 - a. The titles of the different sections of the specification are missing.
 - b. There are numerous grammatical errors in the specifications. The following incidences of grammatical errors are especially noted as the errors may it unclear as to what is being disclosed: in lines 1-4 of page 2, in line 11 of page 6 at the sentence beginning "Actuator 4", in line 11 of page 7 at the sentence

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beginning "At injection", and in line 19 of page 7 at the sentence beginning "Displacing liquid".

c. In line 13 of page 5, it appears that "place 1" should be "place I" and, in line 16 of page 5, "place 11" should be "place II" (see Figure 2):

Appropriate correction is required.

Claim Objections

6. Claims 1-8 are objected to because of the following informalities: Claim 1 recites the limitations "the central part" in line 8 and "the front and back positions" in line 16. There is insufficient antecedent basis for these limitations in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is being established and claimed in lines 14-18 of the claim, specifically with regards to the "upper 28 and lower sites 29 bearing said partition 6". Also, in claim 4, it is unclear what is being claimed as no relationship is established between the clamp and the cylindrical turnery and to the structural components which have already been claimed.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Berler (U.S. Patent No. 6,626,863). Berler discloses an injection syringe having a barrel (2), a rod (7), a needle (11), a thin-walled protective sheath (13), and a cylinder piston (8). The cylinder piston (8) has compressive cylindrical ledges and a front cone as seen in Figure 8. As seen in Figures 4 and 4A, a partition (22) is stationary in the barrel and there are windows on each side of the partition. The partition (22) has a rectangular cross-section with substantially straight sides. The syringe also has a barrel shaped actuator (16) with legs and an axial channel with a jack/socket concentric to the channel for installation of the sheath. As seen in Figure 10, the actuator also has V-shaped ledges (21) and V-shaped supports (29) with an upper site (23) and a lower site (24). The syringe has a diaphragm (17) with cylindrical compressor ledges (18) and a stepped cavity (20). The syringe has additional means of protection from re-use in the form of a ring-type ledge (33 in Figure 4B) engaging on V-shaped detents (30) provide on fins of the rod (7). As seen in Figures 1 and 2, the syringe has a clamp (9) with an external diameter which is arranged to fit and be fully inserted in a cylindrical turnery (6)

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of the barrel. The cylinder piston (8) and the diaphragm (17) are made of a rubber material which can be considered to be a modified rubber material as the material is modified either with additional coatings or by the specific shape of the piston or diaphragm.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berler in view of Cree (U.S. Patent No, 4,850,996). Berler discloses the syringe substantially as claimed. However, Berler is silent as to the protective sheath being made of a transparent material. Cree discloses an injection syringe having a transparent sheath which circumferentially covers the needle of the syringe where the sheath is used to protect the user from accidental injections. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sheath of Berler from a transparent material as taught by Cree as Cree teaches that it is well known to provide a transparent sheath over a needle of a syringe so that the user can see the location of the needle and thus provide for accurate injection of the needle into the patient.


Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bobrove et al (U.S. Patent No. 5,314,503), Alexander et al (U.S. Patent No. 5,720,727), Alexander (U.S. Patent No. 5,993,418), and Botich et al (U.S. Patent No. 6,179,812) disclose an injection syringe with a sheath.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bhisma Mehta whose telephone number is 571-272-3383. The examiner can normally be reached on Mon. through Fri., 7:30 am to 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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